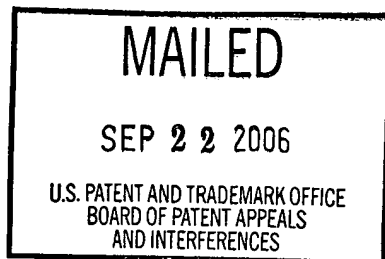


The opinion in support of the decision being entered today was *not* written for publication in and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GUNTER KNEPPE, HEINZ-ADOLF MULLER, KONRAD ROEING, and
KARL-FRIEDRICH MULLER



Appeal No. 2006-2062
Application No. 09/673,327
Technology Center 3700

HEARD: September 12, 2006

Decided: September 22, 2006

Before OWENS, LEVY, and FETTING, *Administrative Patent Judges*.

FETTING, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. §134 from the examiner's final rejection of claims 10 and 12 through 15, which are all of the claims pending in this application.

We AFFIRM.

BACKGROUND

The appellants' invention relates to a roll stand with an axially displaceable roll. An understanding of the invention can be derived from a reading of exemplary claim 10, which is reproduced below.

10. A roll stand for hot-rolling or cold-rolling rolled strips of different materials, the roll stand comprising work rolls, back- up rolls and, optionally, intermediate rolls arranged in pairs, wherein the rolls of at least one pair of rolls are axially displaceable under load toward both sides and have a contour suitable for compensating rolling defects, wherein

a) each displaceable roll has at least one hydrodynamic oil film bearing with a bearing shell, wherein a hydraulic unit for effecting the axial displacement is integrated into the hydrodynamic oil film bearing such that the hydraulic unit is adapted to the shape of the hydrodynamic oil film bearing and a diameter of the hydraulic unit is greater than a diameter of the bearing shell of the hydrodynamic oil film bearing;

b) the hydraulic unit has an annular cylinder connected to the roll stand, wherein an annular piston with an integrated ring connected to the roll through conical roller bearings is sealingly guided in the annular cylinder;

c) the annular piston has on a circumference thereof a ring which is axially displaceable with the annular piston in a groove of the annular cylinder, wherein the groove forms together with the annular piston an annular space which is divided by the ring into annular space portions, wherein the annular space portions are in connection with a control hydraulic system of the roll stand through separate hydraulic connections, so that pressure can be applied to both sides of the ring of the annular piston; and

d) a position indicator is provided for each displaceable roll, which position indicator is connected with the free end of a roll neck of the roll to determine axial position.

PRIOR ART

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Dahlstrom	2,075,574	March 30, 1937
Mercer	3,822,081	July 2, 1974
Salter, Jr.	4,191,042	March 4, 1980

REJECTION

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding the above-noted rejection, we make reference to the examiner's answer (mailed March 9, 2005) for the reasoning in support of the rejection, and to appellants' brief (filed January 31, 2005¹) and reply brief (filed May 9, 2005) for the arguments thereagainst.

Claims 10 and 12 through 15 stand rejected under 35 U.S.C. § 103 as obvious over Mercer in view of Salter, Jr. and Dahlstrom.

OPINION

In reaching our decision in this appeal, we have given careful consideration to appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by appellants and the examiner. As a consequence of our review, we make the determinations that follow.

Claims 10 and 12 through 15 rejected under 35 U.S.C. § 103 as obvious over Mercer in view of Salter, Jr. and Dahlstrom.

We note that the appellants argue these claims as a group. Accordingly, we select claim 10 as representative of the group.

¹ The appellants filed a duplicate brief with appendices that were required but not provided in the original brief on April 18, 2006. The contents of the added appendices were empty.

The examiner applies Mercer to all of the elements of the claim except the oil film bearing, for which the examiner applies Salter, Jr., and an axial position indicator, for which the examiner applies Dahlstrom.

The appellants argue that neither Mercer nor Salter, Jr. provide the cited axial position indicator, and that Dahlstrom's axial position indicator would not be applied to Mercer or Salter, Jr. because Dahlstrom is adjusting the rollers in the direction of the running material, and not in the axial direction [See Brief at p. 9]. The appellants further argue that Dahlstrom's position indicator is not the same as the invention, which is connected to the free end of the neck roll. [id.]

The examiner responds that Dahlstrom's roller does move axially, and the adjustment mechanism does correct axial displacement, citing Dahlstrom page 1, col. 1, lines 12 to 42 [See Answer at p. 5].

The appellants respond that Dahlstrom does not actively move the roller axially [See Reply Brief at p. 2]. The appellants further argue that Dahlstrom only indicates an axial position at two points rather than continuously [See Reply Brief at p. 3].

We initially note that the appellants' arguments as to active displacement and the number of positions it may measure is moot because neither of these argued features are in claim 10. We next note that the place where the position indicator is connected in Dahlstrom is with the free end of a roll neck [See Fig. 8 Ref. E, F, G and H switches and p. 3 col. 1 line 60 to col. 2 line 56] , at least when contact is made with the roll neck.

As to the appellants' primary argument that Dahlstrom's roller is not adjusted axially, we note that the examiner is correct in that Dahlstrom's roller does move axially in response to the adjustment due to the screwing action of the rollers. Therefore, Dahlstrom's position indicator is used to adjust for axial displacement and therefore would be combinable with the other two references. Therefore, we find the appellant's arguments to be unpersuasive.

Accordingly we sustain the examiner's rejection of claims 10 and 12 through 15 rejected under 35 U.S.C. § 103 as obvious over Mercer in view of Salter, Jr. and Dahlstrom.

CONCLUSION

To summarize,

- The rejection of claims 10 and 12 through 15 rejected under 35 U.S.C. § 103 as obvious over Mercer in view of Salter, Jr. and Dahlstrom is not sustained.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

Terry J. Owens
TERRY J. OWENS
Administrative Patent Judge

Stuart S. Levy
STUART S. LEVY
Administrative Patent Judge

Anton W. Fetting
ANTON W. FETTING
Administrative Patent Judge

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